

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDREW DOUGLAS ROSS,

Plaintiff,

v.

GORDON R. ENGLAND, SECRETARY OF
THE NAVY,

Defendant.

Case No. C06-5041RJB

ORDER DENYING PLAINTIFF'S
MOTION FOR JUDGMENT BY
DEFAULT

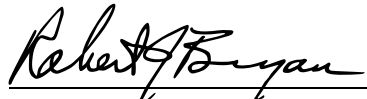
Plaintiff requests judgment by default in accordance with Fed. R. Civ. P. 55 because Defendant failed to answer the complaint within twenty days after service. For the following reasons, this motion is DENIED.

Plaintiff has not established sufficient grounds for judgment by default. Generally, default judgments are disfavored and cases should be decided on their merits except in extreme cases. Mendoza v. Wight Vineyard Management, 783 F.2d 941, 945-46 (9th Cir. 1986). Additionally, Fed. R. Civ. P. 55(e) states that "judgment by default shall [not] be entered against the United States or an officer or agency thereof unless the claimant establishes a claim or right to relief by evidence satisfactory to the court." Plaintiff has filed a complaint but has not filed sufficient evidence with the Court establishing that he is entitled to relief on the merits against Defendant, an officer of the United States.

Additionally, Defendant has filed an answer to the complaint. Dkt. 6. Given the presumption against default judgments against the United States, this answer precludes judgment by default.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to
2 any party appearing *pro se* at said party's last known address.

3 DATED this 5th day of April, 2006.

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5 Robert J. Bryan
6 United States District Judge
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